

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

HARRY LEMASTER, et al.,

Plaintiffs,

No. C 08-3316 PJH

v.

**ORDER DENYING REQUEST  
TO RESTORE MATTER TO  
CALENDAR**

ALLIS-CHALMERS CORP., et al.,

Defendants.

The court is in receipt of a letter from plaintiff's counsel requesting that the court vacate its order of September 9, 2008 staying the instant case, and restore the previously pending motion to remand to the court's law and motion calendar.

While the court is not unsympathetic to the circumstances surrounding plaintiff's health and the need for efficient resolution of plaintiff's case, the court declines to revoke the stay in this case and to restore plaintiff's motion to remand to the court's calendar, in view of the court's heavy caseload throughout the coming months, unless and until the Judicial Panel on Multidistrict Litigation declines transfer of the instant action.

**IT IS SO ORDERED.**

Dated: September 26, 2008



PHYLLIS J. HAMILTON  
United States District Judge